

CHAPTER 10
SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP)

[Prior to 5/20/87, see Aging, Commission on the[20] rules 8.67 to 8.70]

321—10.1(231) Scope and purpose.

10.1(1) Scope. All procedures and rules used to operate this program shall be in accordance with Title V of the Older Americans Act as amended in 1984, and 20 CFR 674, and these rules.

10.1(2) Purpose.

a. The SCSEP is designed to provide, foster and promote useful, part-time community service employment for persons with low incomes who are 55 and older.

b. Services provided under this program shall contribute to the general welfare of the community.

c. Employment in the program shall result in an increase in employment opportunities which would not otherwise be available.

321—10.2(231) Eligibility for service.

10.2(1) Individual's eligibility. To be eligible for participation in the SCSEP, an applicant shall:

a. Be aged 55 or older;

b. Be a current resident of the state of Iowa and a citizen of the United States; and

c. Meet income guidelines established annually by the U.S. Department of Labor.

10.2(2) Priority eligibility. A person who is eligible and who has priority status as defined in sub-rule 10.3(1), paragraph "a," will be given first consideration for an SCSEP position.

321—10.3(231) Program requirements.

10.3(1) Subproject sponsor responsibilities. Each SCSEP subproject sponsor shall:

a. Ensure that priority in providing employment positions shall be given to eligible individuals who are aged 60 or over, are applying for reenrollment, are below the poverty level, or who have temporary positions;

b. Meet performance goals based on Department of Labor guidelines and additional goals established in the multiyear area plan;

c. Coordinate the SCSEP with the retired Iowans community employment program and the Job Training Partnership Act, older individuals program, to ensure opportunities for unsubsidized employment;

d. Designate a member of its staff as an SCSEP coordinator to ensure timely reporting and performance of required functions;

e. Provide evidence that enrollees reside in the community near where they are employed;

f. Provide evidence that enrollees are not performing work which is the same or essentially the same as that performed by any other person who is displaced;

g. Assist enrollees in attending approved training sessions sponsored by the department or other agencies or organizations;

h. Provide expense reimbursement and regular compensation for enrollees attending required training;

i. Ensure that training of enrollees does not exceed 260 hours during a fiscal year;

j. Provide safe and healthful conditions for enrollees at worksites;

k. Provide enrollees with reimbursement for expenses such as transportation which is required in the direct performance of the job;

l. Rescinded IAB 11/13/91, effective 12/18/91;

m. Ensure that opportunities for physical examinations are provided to enrollees annually but not more than 15 months from the previous physical, or that a signed physical examination waiver is obtained;

n. Ensure that no enrollee works more than 1300 hours during each fiscal year;

o. Provide enrollees and host agencies with orientation to program purposes, goals and requirements;

p. Provide supportive services where needed by an enrollee for participation in the program;

q. Provide written job descriptions to enrollees immediately after entry into the program;

r. Complete enrollment or reenrollment forms for each individual in the program. Recertification forms are completed within 12 months of enrollment or reenrollment and at least once during each program year;

s. Provide each enrollee with a copy of the host agency grievance procedures and the subproject sponsor's grievance procedures;

t. Provide each enrollee with information about prohibited political activity;

u. Ensure that nepotism is not practiced in the hiring of enrollees;

v. Ensure that minorities and limited-English-speaking individuals are enrolled in the program at least in proportion to their number in the eligible population in the planning and service area;

w. Maintain the authorized enrollment level and provide for temporary positions with approval of the department when underspending occurs;

x. Perform evaluations of each host agency at least annually;

y. Coordinate and cooperate with national sponsors in the establishment of authorized positions in each county in accordance with equitable distribution requirements; and

z. Maintain records as required in these rules.

10.3(2) *Department responsibilities.* The department shall:

a. Issue instructions for application for SCSEP funds in the multiyear area plan;

b. Monitor subproject sponsors at least annually;

c. Provide technical assistance to subproject sponsors upon request or when monitoring indicates compliance violations or failure to meet performance goals;

d. Provide training workshops for enrollees, SCSEP coordinators and other subproject sponsor employment staff;

e. Coordinate the allocation of authorized positions with national sponsors according to equitable distribution requirements;

f. Report to the Department of Labor annually on the status of equitable distribution efforts;

g. Rescinded IAB 11/13/91, effective 12/18/91;

h. Report to the Department of Labor each quarter or as required on SCSEP activity and enrollee characteristics;

i. Coordinate the SCSEP with the job service division of the department of employment services, the department of education, the department of economic development and other agencies which provide employment services to elder Iowans; and

j. Maintain records as required by 321—subrule 5.13(1).

10.3(3) *Complaints procedures.* The department shall resolve complaints of applicants, enrollees, subproject sponsors and host agencies following these procedures:

a. An applicant or enrollee shall report in writing to the subproject sponsor an alleged violation of law or perceived unfair treatment within 15 days of its occurrence.

b. The subproject sponsor and the host agency shall develop complaint procedures which provide for resolution within 15 days of the official filing.

c. Applicants or enrollees may file an appeal with the department within 15 days of a negative determination or a failure to act by a host agency or the subproject sponsor.

d. The department shall immediately refer the complaint to the department of inspections and appeals for its consideration. The department of inspections and appeals shall render a decision within 15 days after receipt of the complaint from the department.

e. Complaints alleging violation of law may be appealed to the Department of Labor if not resolved by the host agency, subproject sponsor or the department within 60 days of the original filing.

f. Complaints alleging discrimination on the basis of race, color, sex, national origin, handicap or age, which are not resolved by the host agency, subproject sponsor or the department within 60 days, may be filed with the Director, Office of Civil Rights, U.S. Department of Labor, Washington, D.C. 20210. These complaints will be handled in accordance with the procedures in 29 CFR Parts 31 and 32 (July 1, 1990).

g. Complaints not alleging discrimination or violation of statute may be appealed to the department, but are not subject to appeal to the Department of Labor.

321—10.4(231) Funding criteria.

10.4(1) Application. Application for SCSEP funds shall be made annually by area agencies on aging as part of the multiyear area plan submitted to the department for approval and shall conform to the procedures and requirements established in the multiyear area plan outlined in rules 4.20(231) and 4.21(231).

10.4(2) Award. Upon approval by the department, an award of funds shall be made to subproject sponsors each fiscal year subject to funding by the U.S. Department of Labor and the requirements for equitable distribution.

10.4(3) Denial of award. An application for SCSEP funding by a subproject sponsor may be denied if the subproject sponsor does not perform according to the guidelines of these rules or fails to meet the goals of their multiyear area plan approved by the department.

10.4(4) Appeal. An appeal to a decision made pursuant to these rules may be made according to the procedures outlined in subrule 10.3(2), paragraph “g,” of these rules.

10.4(5) Reallocation. Reallocation of SCSEP funds may be made by the executive director according to the criteria defined in subrule 5.8(1), paragraph “b.”

321—10.5(231) Monitoring and record keeping.

10.5(1) Subproject sponsor duties. The subproject sponsor shall:

a. Submit performance, fiscal and program reports to the department according to instructions provided each year in the reporting manual;

b. Maintain files on each SCSEP enrollee containing the following: Immigration and Naturalization Service I-9 (Proof of Citizenship), application, enrollment form, recertifications (if applicable), skills assessments, training record, terms of employment agreement, physical examination report (or properly executed waiver), job description, performance evaluations, disciplinary actions, payroll records, and termination forms (if applicable); and

c. Maintain files for each host agency or worksite, and each file shall include:

(1) The host agency or worksite agreement containing relevant program requirements;

(2) Evidence that the host agency or worksite enrollee supervisor has received orientation; and

(3) Host agency or worksite evaluation reports.

10.5(2) Department duties. The department shall:

a. Conduct desk monitoring of the SCSEP and may do on-site monitoring if circumstances require an inspection of subproject sponsor records;

b. Conduct an on-site assessment of each SCSEP subproject at least annually. The subproject sponsor shall be informed in writing of findings and recommended corrective actions. Assessment reports and responses shall be kept on file at the department and shall be open to inspection by authorized state and federal officials;

- c. Maintain files on SCSEP enrollees that include applications, recertifications, physical examination records, physical exam waivers, and termination forms (if applicable); and
- d. Maintain financial records as required by statute, regulation, administrative rule, or technical bulletin.

These rules are intended to implement Iowa Code chapter 231.

[Filed 5/20/82, Notice 3/17/82—published 6/9/82, effective 7/14/82]

[Filed 5/1/87, Notice 2/25/87—published 5/20/87, effective 6/24/87]*

[Filed 10/25/91, Notice 7/10/91—published 11/13/91, effective 12/18/91]

*Effective date of Chapter 10 delayed 70 days by the Administrative Rules Review Committee.